

## **REMARKS**

Claims 1-49 and 51-66 are pending in the application.

### *Claim rejections under 35 U.S.C. §102*

Claims 1, 3, 9, 21, 44, 50, 53 and 55 were again rejected under 35 U.S.C. §102(b) as being anticipated by JP 55-081471 A (JP '471).

The claims have again been amended in hopes of expediting prosecution of certain aspects of the present invention. In particular, independent claim 1 has been amended to further recite that the first material component comprises a material selected from the group consisting of a composite reaction product of lithium with a Cu<sub>3</sub>N, a composite reaction product of lithium with PbI<sub>2</sub>, and a reaction product of lithium with red phosphorus. JP '471 provides no teaching or suggestion of these *in situ* formed first material component reaction products of Li with Cu<sub>3</sub>N, P and PbI<sub>2</sub>, described at page 19, line 25 to page 20, line 8 of the application. And, as noted previously, JP '471 also provides no teaching or suggestion of the recited second material components in contact with the first material component selected from the group consisting of ceramic active metal ion conductors and glass-ceramic active metal ion conductors. Since JP '471 provides no teaching of these first and second material components, it is respectfully submitted that amended claim 1, and its dependents, are unanticipated by JP '471, and withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

### *Claim rejections under 35 U.S.C. §103*

All other claims were again rejected under 35 U.S.C. 103(a) as being unpatentable over JP '471 in combination with various secondary references (specifically: claim 51 was rejected under 35 U.S.C. 103(a) as being unpatentable over JP '471 as applied to claim 1, and further in view of US Patent No. 5,314,765 to Bates; claims 2, 8, 11, 12 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP '471 as applied to claim 1, and further in view of US Patent No. 3,976,509 to Tsai; claims 48-50, 54 and 56-63 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP '471 in view of Bates as applied to claim 12, and further in view of US Patent No. 6,485,622 to Fu; claims 10, 15-20, 23, 52 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP '471 in view of US Patent No. 3,607,417 to McRae). It is respectfully submitted that the various secondary references cited do not cure the deficiencies of JP '471 noted above with regard to these claims, given the amendments to claim 1 from which the claims all depend. Accordingly, all pending claims are submitted to be patentable for at least the reasons put

forth with regard to claim 1, and withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

*Double Patenting*

Claims 1, 3, 44, 49-53, 56 and 57 were provisionally rejected on the ground of obviousness-type double patenting over claims of commonly assigned co-pending application 10/825,587 of Visco et al. (Visco '587). While, as noted previously, the pending claims are submitted to be unobvious over the cited claims, Applicants have previously filed a Terminal Disclaimer over the present application in the Visco '587 application. Accordingly, the obviousness-type double patenting rejection in the present application is believed to be obviated.

*Conclusion*

Applicants believe that all pending claims, including previously withdrawn claims that depend from or otherwise require all the limitations of an allowable generic claim, are allowable and respectfully request a Notice of Allowance for this application from the Examiner. The prior comments regarding the more general patentability of previously pending claims are maintained, and all amendments made are without prejudice to the subsequent presentation and prosecution of claims supported by this disclosure in a continuation or divisional application. Should the Examiner believe that a telephone conference would expedite the prosecution of this application the undersigned can be reached at the telephone number set out below. If any additional fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 504480 (Order No. PLUSP036).

Respectfully submitted,  
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